

REMARKS

Claims 1, 3-7, 10-17, 19-22, 26-53 and 55-60 are pending. Claims 2, 8, 9, 18, 23-25, 54 and 61-67 are currently canceled. Claims 36 to 53 and 55 have been withdrawn from consideration. Claims 1, 3, 6, 10, 20, 21, 22, and 28 are currently amended. Applicants respectfully request entry of this amendment as it places the claims in condition for allowance. Reconsideration of the application is requested.

§ 112 Rejections

Claims 1, 3-7, 10-17, 19-21, 28-35 and 56-60 stand rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1 is currently amended. In amended claim 1, “an adhesive layer” has been amended to recite “at least one adhesive layer”. This amendment is consistent with the claim as originally written. Additionally, the term “at least one” has been inserted into claims 1, 3, 20, 21, and 28 to clearly demonstrate when the at least one adhesive layer introduced in the beginning of claim 1 is being referenced, so as to clarify when it is this layer and when it may be a different layer.

In claim 1, the patent office views the recitation “an adhesive layer with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface” and the further recitation “the article has a non-structured exposed adhesive surface that can be adhered to a target substrate” are a broad range limitation and a narrow range limitation in the same claim and therefore is indefinite. Applicant respectfully submits that the amendments remove this confusion. The claim as amended states that there is at least one adhesive layer with first and second major surfaces and that at least one of these surfaces is structured. It goes on to state that the article has a non-structured adhesive surface that can be adhered to a target substrate. In the embodiment in which the adhesive layer with first and second major surfaces is the only adhesive layer in the article, the first surface is structured and the second surface is the non-structured adhesive surface that can be adhered to the target substrate. In other embodiments the article comprises additional adhesive layers.

In claims 20 and 21 the patent office views the dependency on claim 6 renders the claims vague and indefinite. Applicant has amended claims 20 and 21 to state that the second major surface refers to the at least one adhesive layer of claim 1 to clarify this confusion.

In summary, Applicant submits that the rejection of claims 1, 3-7, 10-17, 19-21, 28-35 and 56-60 under 35 USC § 112, second paragraph, has been overcome, and that the rejection should be withdrawn.

§ 102 Rejections

Claims 1, 3, 4, 7, 11-14, 16, 19, and 20 stand rejected under 35 USC § 102(b) as being anticipated by US Patent No. 2,638,430 “Mann”.

Claims 1 and 10 are currently amended to replace the terms “discrete reservoirs” with the terms “discrete, encapsulated reservoirs”. Support for this clarifying amendment can be found , for example, on page 8, lines 5-7 of the specification.

Mann teaches a surface covering article in which an adhesive is coated onto a liner. The coated adhesive may have ridges on the surface (figures 2 and 3). A surface covering, such as a tile, is placed onto the ridged adhesive surface, presses down on the ridges and forms continuous channels between the adhesive and the tile surface. The patent office contends that these continuous channels are “discrete reservoirs” as defined in Claim 1. The continuous channels of Mann are intended for air egress and therefore are not discrete reservoirs. Mann in column 6 lines 7-9 “the continuous grooves 42 between the ridges 37 permit air to escape from under the edges of the tiles” and column 6 lines 10-15 “when the rim portions 39 of the tiles are in final position abutting the strip 18 adequate space is still provided in the enclosed pockets 42 for slight displacement of or compression of air which may be trapped beneath individual tiles”. Therefore there is no teaching in Mann of the discrete reservoirs between the structured surface of the adhesive layer and the backing.

The patent office has stated that figure 3, shows that when reference #29 is placed on top of the adhesive it forms discrete reservoirs between the structure surface of the adhesive and the backing as claimed. The fact that air can escape is irrelevant since Applicant is not claiming completely sealed reservoirs. Applicant’s amendments stating that the discrete reservoirs are discrete, encapsulated reservoirs (as discussed on page 8, lines 5-7 of the specification where

discrete reservoirs are described, “This plurality of discrete, encapsulated reservoirs compartmentalizes the encapsulated substances and minimizes communication between the contents of neighboring reservoirs within the same or different adhesive layers.”) clearly demonstrates that the described reservoirs are discrete and encapsulated and not like the continuous grooves of Mann, which are designed to allow displacement of air from the grooves.

The rejection of claims 1, 3, 4, 7, 11-14, 16, 19, and 20 under 35 USC § 102(b) as being anticipated by US Patent No. 2,638,430 “Mann” has been overcome and should be withdrawn.

§ 103 Rejections

Claims 5, 10, 22, 26 and 56-60 stand rejected under 35 USC § 103(a) as being unpatentable over US Patent No. 2,638,430 “Mann”.

The patent office contends that Mann fails to disclose the peel strength, thickness or volume of the voids/reservoir/channels, but it would have been obvious to one of ordinary skill in the art to have modified the teachings of Mann to achieve the claimed ranges. As stated above Mann fails to teach an article with discrete reservoirs between the structured surface of the adhesive layer and the backing. Therefore Mann cannot be modified to achieve the claimed ranges.

The rejection of claims 5, 10, 22, 26 and 56-60 under 35 USC § 103(a) as being unpatentable over US Patent No. 2,638,430 “Mann” has been overcome and should be withdrawn.

Examination and reconsideration of the application as amended is requested.

Respectfully submitted,

September 11, 2008

Date

By: /Jeffrey M. Olofson/

Jeffrey M. Olofson, Reg. No.: 45,701

Telephone No.: 651-736-7906

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833